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MEMORANDUM FOR: DDA  
NIO/Narcotics  
Director of Logistics  
C/EPS/[ ]/DO  
AGC/IO/OGC  
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C/L&PLD/OGC

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FROM: [ ] Legislation Division  
Office of Congressional Affairs

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SUBJECT: Status of Omnibus, Anti-Drug Legislation

1. The status of omnibus, anti-drug legislation as of this date is as follows.

House

2. The House has narrowed its field to one bill: H.R. 5210, a bipartisan bill cosponsored by the Majority (Democratic) Foley and Minority (Republican) Leader Michel. Before adjourning for August, the House adopted H.Res. 521, the rule for floor consideration of H.R. 5210 (H.Rept. No. 100-861 - report of the Rules Committee on the H.Res. 521). This clears the way for the House to take up the bill itself when it returns in September.

3. Under the rule, the House will consider only those amendments printed in the Rules Committee report with voting on an up-or-down basis only, i.e., no amendments to the amendments or substitute amendments. Then there will be a final vote on passage of the bill with the amendments as adopted.

4. Despite the bipartisan nature of the bill, there remains some major areas of disputes, including the so-called "drug kingpins" death penalty provision.

5. Provisions of interest to the Agency in H.R. 5210 and in the amendments to be offered during floor consideration are as follows.

6. Foreign Affairs Committee Provisions - Title III. The bill adopts virtually intact the provisions which the Foreign Affairs Committee previously contributed to this effort. As noted in our previous memoranda, these include a provision making the Secretary of State the "coordinator" of all United States Government anti-terrorism assistance but providing an intelligence exception thereto (Section 3061). Also included are provisions to deny passports to convicted drug dealers and to stamp drug convictions on passports (Section 3063). The Departments of State and Justice are given joint responsibility to prepare model drug legislation for foreign governments. There are miscellaneous provisions conditioning assistance to drugproducing and transiting countries and limiting the use of drug traffickers as intermediaries in providing selected (non-intelligence) U.S. assistance.

7. Committee on Government Operations - Title IV - "Drug-Free Workplace." Title IV of the bill is the "drug-free workplace" provision as reported out by the House Government Operations Committee. As previously noted, it has been determined in conjunction with the Office of General Counsel that no affirmative legislation relief is needed vis a vis this provision.

8. No "Drug Czar" Provision. Significant by its absence from H.R. 5210 is a "drug czar" provision, especially since the legislation reported out of the House Judiciary Committee contained a "czar" provision (with an exception for the Director's powers and duties). As noted below, however, the rule on the bill makes provision for a weakened "drug czar" amendment to be offered by Representative Brooks.

9. Covert Actions & International Drug Trafficking - Broomfield Amendment. The Rules Committee report indicates Representative Broomfield will offer one of two versions of a sense-of-the-Congress amendment on the subject of increased covert actions to combat illicit narcotics activities. We are working with the Administration to oppose the amendment; although, since it is only a "sense-of-the-Congress" provision, it is somewhat difficult to oppose.

10. Drug Conviction & Ineligibility for Federal Benefits - McCollum Amendment. Representative McCollum will offer an amendment to make ineligible for "federal benefits" those persons convicted of drug offenses. The restriction, however, is somewhat "watered down" and what is likely to be an even further "watered down" version will be offered as an alternative.

11. "Weakened Drug Czar" - Brooks Amendment. Representative Brooks will offer a "weakened drug czar" amendment. His amendment does not contain the DCI exception contained in

previous versions of the legislation. Even if the Brooks "czar" is adopted, however, it will not be determinative of the issue. The final decision will likely be made in negotiations between the Administration and the Congressional leadership at the time of a House-Senate conference on the bill. To that end, we are continuing to make the Administration and Congressional supporters of "czar" legislation aware of the our concerns.

12. Mandatory Sharing of Intelligence Information on "Illegal Foreign Drug Activities" - Alexander Amendment. The report also indicates that Representative Alexander will offer an amendment to require the Executive Branch branch agencies to share information, including intelligence information, concerning "illegal foreign drug activities" with law enforcement agencies, the Congress and the General Accounting Office. This provision is of great concern to us and we are working with the Administration to defeat it.

#### Senate

13. In the Senate, there is, as yet, no bipartisan measure comparable to H.R. 5210. Staff are working towards that end, however. Recently, Minority Leader Dole circulated a new draft omnibus bill which joins Majority Leader Byrd's draft already in circulation.

14. Both contain "drug czar" provisions which are quite similar. With respect to the DCI's authorities in the area of intelligence information protection and budget control, neither contains a provision comparable to that in existing law, 21 U.S.C. §1204(d), which preserves these authorities vis-a-vis the Drug Policy Board/Chairman. Both would interpose the czar between the agency head and the Office of Management and Budget with respect to narcotics budget submissions but would allow a final appeal by an agency head to the President. Both provide that agencies shall furnish the czar with any information he requests, but they also provide that the DCI may prescribe regulations to protect intelligence sources and methods with respect to the provision of intelligence information to the czar.

15. To ensure the DCI's current position is fully maintained against any new czar, however, we are continuing our efforts to press for the inclusion of a provision similar in all respect to 12 U.S.C. §1204(d).

16. The Byrd bill contains a "watered-down" version of a provision, originally found in S. 2205, which would have directed CIA and NSA R&D facilities to support anti-drug law enforcement

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efforts and would have involved GAO in the oversight of the process. We are continuing our efforts to oppose this provision, even in its "watered-down" version.

17. Please contact us if you have any questions or wish to obtain copies of particular provisions.

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